S.B. CIVIL WRIT PETITION NO.2908/2007.
Jagdish Prasad Kumawat Vs. State and ors.
Date of order : 19/4/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Ashok Bansal for the petitioner.

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I have heard learned counsel for the petitioner and perused the materials placed on record.

The petitioner has challenged the notice dated 5/4/2007 (Ann.5) by which the then Sarpanch of Gram Panchayat proposed to take up 'no confidence motion' against the petitioner on 21/4/2007.

Learned counsel for the petitioner argued that notice is not accompanied by the copy of motion of no confidence inasmuch as, two signatories of the motion have given in writing that their signatures have been obtained by giving them certain assurances and, therefore, they did not voluntarily sign the motion of no confidence.

I find that whether or not the notice was accompanied by the motion cannot be pre-judged on the basis of the copy of the notice/order dated 5/4/2007 which has been enclosed with the writ petition. Besides, a motion, if it is known to the petitioner that it is a motion of no confidence and shall be discussed in the meeting of the Gram Panchayat proposed to be held on 21/4/2007, the purpose of giving copy of the motion along with notice is duly served. The affidavits given by two of the members/signatories cannot be relied on to hold that their signatures are not voluntary.

I do not find any merit and substance in the writ petition. The same is, therefore, dismissed in limine.

anil **(MOHAMMAD RAFIQ), J.**